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# REMARKS

UPON

## SLAVERY AND THE SLAVE-TRADE,

ADDRESSED TO THE

HON. HENRY CLAY.

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1859.

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TO THE

**HON. HENRY CLAY.**

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SIR,

Concurring with you fully as to the unjustifiable course pursued by the northern abolitionists, and deprecating all interference with domestic slavery, otherwise than that which may emanate from, or be in co-operation with, the slave-holding states; I am constrained to differ with you upon the main positions expressed in your late eloquent discourse as regards the destiny of our black population.

The acclamations with which your opinions upon this vital subject have been greeted by the great majority of the nation, and the sentiments of exalted patriotism which are known to have prompted them, more particularly subject them to be tested by the judgment of every reflecting member of the Republic. The remarks, about to be offered, are the result of long observation and practical attention as a slave-holder; but the mind, which

has been ardently fixed upon ameliorations of its own creation in the condition of society, is prone to exaggerate their merits, and to underrate the difficulties of change. It is this conviction, together with that of the reluctance with which the almost entire south give ear to any modification of slavery as it exists, which have heretofore restrained the expression of views, in dissent with those publicly promulgated by yourself; viz : that “the liberty of the descendants of Africa in the United States is incompatible with the safety and liberty of the European descendants ;” and that “their slavery forms an exception, resulting from a stern and inexorable necessity.”

Sir, the evidence of other nations, where distinct races have flourished for centuries with as little animosity as characterizes people of even the same blood when in separate communities, may not be admitted as applicable to the present case : a system of severity incompatible with actual civilization may have mainly tended to subject the weaker to the stronger race : but when it is considered, that less than one fifth of our entire population is coloured (a proportion you say likely to diminish rapidly), and that that fifth is indisputably an inferior cast for all purposes of offence, the apprehension of insecurity must be admitted to be incomparably less, than that sustained by the privileged classes in every nation of Europe ; where the great majority are poor, and deprived of their natural rights, in despite of their manifest and increasing physical superiority. Were the next

generation of blacks to be born free, and subjected to precisely the same civil disabilities as are the free people of colour now among us, would there be any thing like the insecurity to the white inhabitants, which exists at the present moment in Great-Britain from the impoverished mass, who are not only restricted by law in their daily bread, but nearly one half of whom are shut out from all participation in the national offerings to their common God? All history admonishes, that religious proscriptions against one portion of the same people, have engendered more violent animosity and blood-shed, than any distinctions of race, or inequalities of political privileges; and appeal may confidently be made to the present position of the two races in the United-States, whether there is not fully as much ill feeling in the divisions of each separate race, arising from party or other causes, as there is between those of different colours. Under our just and lenient state laws, which protect the free blacks with paternal interest, there is no question to my mind, but that the condition of those emancipated in infancy would continue to be, at least, tolerable to themselves, and unattended with extraordinary danger, either to the lives or liberties of our own race. The latter would be to the former, politically speaking, what the privileged classes in Europe are to the lower orders; and would withhold from them a community of civil rights, upon the same principles (were others wanting) as those, who, invested with electoral and other governmental capacities in Great Britain, exclude the subordinate ranks. The powers of legislation are more exclusively and incontestible in our own

hands, than are those of European governors in theirs; and the means of repressing revolt, in a supposed contingency, more potent, than those of any crowned head towards his subjects. I would moreover claim upon this point, sir, an extension, towards this future state of society, of the same reasoning you advance, in favour of that contemplated by yourself to be perpetuated :—viz., “ that the same Providence who has hitherto governed and guided us, and averted all serious evils from the existing relations between the two races, will govern and guide our posterity.”

The proposition I would now offer for consideration is, that provision shall be made for the annual purchase of females between the ages of 14 and 16 years; that one half of the national domain be set apart for that purpose by Congress, if competent—and if not, by the constitutional authority to do so :—that a portion be allotted to each state in the ratio of the number of their slaves, upon condition that it be appropriated exclusively to the above purpose, it being, of course, optional with each state to accept or reject the offer :—and finally; that, in order to enhance the value of the lands so appropriated, the general government restrict their sales of land to the utmost limits consistent with the necessities of the public revenue.

Difficult as may be the execution of this plan. I believe, sir, it can be proved,

1st. That it is practicable.

2dly. That it will be to the interest of the slaveholder, as well as to that of the Confederation at large.

3dly. That it will be advantageous to the black race themselves.

And 4thly. That upon the grounds of national expediency, it is demanded by the spirit of the age we live in.

Without pretending to enter into a detailed or accurate calculation of the adequacy of the appropriation for the object proposed, it will be sufficient, in order to base a judgment as to its practicability, to present the outlines of the mode and means, by which the redemption would be effected.

Thus; assuming the number of slaves in the Union to be 2 1/2 millions, and the annual increase to be 70,000, or over 2 1/2 per cent., it may be estimated, that the number of females, say of 15 years of age, to be annually liberated, would be 35,000; which, at 500 dollars each, requires 17,500,000,—or, at the end of 15 years, 262,500,000 dollars.

You will then, at the end of that period, have emancipated all females now in existence under 15 years of age; and consequently will only have remaining, the offspring of those females, now over 15 years. Allowing 20 years for births under this category (or from 15 to 35 years), it is believed that, upon a scrupulous calculation, an average of 10,000 per annum, or 200,000 in all, would be, as near as may be, the number of females still to be provided for; making, say at a cost of 100 millions,

a total of 362,500,000 dollars, to be disbursed in a period of 35 years. The results would be—1st, that after the expiration of 20 years from the adoption of the system, there would be *no slave born in the Union*; and 2dly, that in little more than half a century longer, there would be a final end to slavery!

Were one half of the national domain, or 500 millions of acres brought into the market under a judicious system, one calculated to obtain its real value, instead of that heretofore pursued, can there be a doubt as to its adequacy for raising the required amount, if not entirely by actual sale, within the 35 years, at least by means of its value?

At the present government price, that portion within the states and territories (say 300 millions of acres) would be sufficient: but if, as is believed, the intrinsic average value of the land is double that amount, the profits alone which now go into the pockets of speculators would be adequate, without any loss to the government.

Although full indemnity is to be given for the slave purchased, (500 dollars being merely a price assumed as an average value), yet, as the foregoing calculation provides only for the purchase of 35,000 per annum, and as the object in view would be equally attained by extending the limits to all females between 13 and 17 years of age, the selection of those purchased might be made out of a class four times as numerous (a range of selection whereby emulation among those to be liberated might be introduced into the system). and therefore

effectually prevent any artificial enhancement of price;— to say nothing of the general feeling of charity, which would not fail to actuate the master, in freeing the most helpless portion of his slaves. The consideration too that some of the States would refuse to accept the plan, and thereby impede its operation, would but resolve the question into one of time, and do no more than retard its speedy accomplishment; for if the system proves really advantageous to the owner, as it is assumed, it must finally become general; and those States (necessarily a minority), who delay its adoption, would subject the property to the chance of a reduction of value, arising from the inevitable discredit into which the institution of slavery would fall, after the general adoption of an approved system of emancipation.

I will not stop, Sir, to examine the constitutionality of such an appropriation, since it is well known to you, that the concurrence of Chief Justice Marshall was given to the same, when the idea was first presented by Mr. Rufus King; but proceed to the main consideration, upon which the whole scheme is based, viz; the interest of the slave-holder.

The very agitation of the project, it will be said, will give a shock to the value of the property!

The initiative being taken, as is proposed, by the slave-holder, I contend, that the contrary will be the effect, because the spirit of violent abolition, which at present weighs as an incubus upon the property, cannot fail to

be allayed, by demonstrations on the part of the south, of a disposition to emancipate upon any grounds : and it may be fairly expected, that a large portion of those, now enlisted against the institution, would co-operate, in a spirit of benevolence, towards all parties ; to effect by just and mild measures, what they are aware can never be done otherwise, but at the cost of blood, treasure, and the destruction of the Union. But will any one, who regards the spirit of the times, expect agitation and discussion to cease ? Since the plan proposed by Mr. Jefferson, half a century ago, for forcibly liberating infant slaves (upon a fixed and inadequate indemnity being paid), and then forcibly expelling them from their family and home, down to the still more recent and (to the unprovided-for infant slave especially) most objectionable proposition of Mr. Adams in the present day,\* who at the same time that he asserts slavery to have “ taken too deep root to be peaceably eradicated,” offers a proposition, that, after a given day, all children shall be born free ; and this, to avoid the necessity for indemnifying the owners ; I say, that since in all time, the institution has been assailed (almost always with asperity towards the slave holder, and design to deprive him of at least a portion of his property), is it not desirable, that we take the initiative ourselves, and discuss any plan, which may be based upon humanity to the slave, indemnity to the owner, and security to the Union ?

The plan now under consideration would operate

\* See his letter in the New-York American of 25th June, 1839.



almost imperceptibly to the present generation of slaveholders :—the diminution of the effective force applied to agriculture would be equally so :—the children of the planters of this day will be no otherwise restricted in their hereditary pursuits, than by the gradual diminution of their active force ; a diminution, arising from the diversion of a portion of their capital into other, and probably more profitable, channels of investment. This diminution of available labour will, moreover, be inconsiderable, and may be substituted, in part at least, by that of other descriptions.

What then militates against the interest of the south under this gradual change ?

Increased danger of servile insurrection ! Demoralization of our slaves by the tolerance of free negroes in their neighbourhood, if not in their very families ! A portion of our most fertile soil lost to us ! Such are the prominent objections ; and to which we would present the following brief reply, viz ; that the free blacks are almost as completely the property of the states, as are the slaves that of individuals ; and that it depends upon the former to enact adequate laws for their government, unrestricted, as they are, in exercising a rigorous control over the profits of their labour, as well as over their persons ; that the present generation, at least, would sustain no serious inconvenience on this score, since the class liberated, inoffensive in themselves, would remain still dependent, in a great degree, on the will of the master, through the instrumentality of the family whence they

sprung, and of those to whom their destiny would naturally be attached. The intermarriage of the two classes of blacks, far from being incompatible, is, I contend, susceptible of being made advantageous, when the females alone are free ; since their services, by promoting the comfort of the slave, must necessarily redound to the profit of the master : and if free negroes are a nuisance at present in many parts of the country, it is chiefly to be attributed to the laxity and mildness of the laws to which they are specially amenable. The local legislatures, under the gradual operations of the system, would find no difficulty in controlling them for at least the next half century ; and it is not too much to expect, that time, and the rapid advances making in our country towards increased facilities of human existence, will embrace the condition of every class of society ; and that either an economical transport towards the west or the east, or more fruitful sources of livelihood at home, together with new elements of harmony, will be brought to the relief of future generations.

The apprehension of a diminished value of our lands is, it appears to me, equally illusory ; and it may be fairly questioned, whether the increased value of the slaves remaining as such, arising from their diminished number, would not counterbalance any check in the increase of cultivation, which might occur. An immediate diminution could not result, as there would still be an increase of male slaves until the system proposed was advanced towards full execution. The free labour of

the blacks would seek employ where it would be most in demand, whilst the superior competition of the whites would occupy the more healthy part of our soil. If the present generation of whites, then, should be thus exempt from the evils of sudden change, it is equally reasonable to suppose, that posterity would find its account in one, sufficiently slow to allow of a safe and natural adjustment of its component elements; one, in accordance with that spirit of the age so seldom resisted with impunity.

So far from a signal degradation of the African race being the consequence of this change, it is probable that, unlike the destitution into which they are thrown by sudden emancipation at mature age, there would result, in accordance with the primary laws of nature, and with our own experience, an amelioration of their physical condition, as well as a due appreciation of the enjoyments of personal freedom, from which no link of the human, or even animal race, is exempt.

The enfranchised females would, for the most part, remain in the families of their birth, or in those of their adoption, to the advantage of both master and slaves; and, in such case, under the almost undiminished authority of the former. The expectation, throughout infancy, of being liberated, as well as early habits of industry, would prepare them for gaining a livelihood for their offspring; who, in turn, would find their position, either in the bountiful space around them, or, under the guidance of our benevolent colonization societies, wherever happier circumstances, confidently to be anti-

ipated, may direct them. The great work will have been done on our part, and the laws, which control all social arrangements, will preside over the destiny of both races. If evil therefrom is in the womb of time, we should not, on that account, be restrained from doing, what we now consider to be right and proper; and if a collision between the two races is inevitable in after times, under any circumstances, we shall at least, in adopting this scheme, have rescued the generation of that day, from the additional calamity of loss of property.

But supposing, that the above anticipations as to a tranquil existence of the two races, and the advantages to both from the contemplated change, prove ultimately to be exaggerated: I will submit it to any unprejudiced mind, whether the perils, excitements, and discord, with which the institution is *now* menaced, will not, in all human probability, more than counterbalance the inconveniences which may result, *in the course of time*, from a social revolution, brought about by just and liberal measures, in a spirit of compromise with the general and growing feeling in all Christendom upon the subject of slavery, and in conformity with the wishes of the great majority of our own countrymen? Is there nothing to apprehend from the settled conviction of the entire English nation, that slavery is in opposition to all rights, both divine and human, (“condemned! the only question being as to the precise moment for executing the sentence,”) \* and that British philanthropists cannot be

\* See Lord Brougham’s speech of 6th March, 1838.

more legitimately engaged than in rooting it out, at the cost of both blood and treasure? Is it no symptom of this feeling, that in the present year a new association should have been formed, entitled the “British and Foreign Anti-Slavery Society,” avowedly for the “*universal* extinction of slavery and the slave trade?” Is not the same spirit dominant, in the refusal of the British ministry to *face Parliament*, with a proposition to recognize Texas? Was it not contemplated in our late war \* to excite servile revolt in the heart of our slave states, and calculated upon, but yesterday, by English statesmen, to serve on future occasions, now that the only impediment to its adoption, the bad example it would have set to their own slaves, is removed? In enumerating their means of offence but a few months since, the English government paper exulted that their own liberated slaves, landed in Florida, would soon “gain for England three millions of unpaid allies,” and thus add to the national honour already won, “that of separating for ever the Anglo-Saxon race from Negro Slavery.” It is known to the writer of these remarks, from the very best authority, that during the late apprehension of a collision between the United States and France, English abolitionists were busily employed, in pointing out to the French cabinet, the weak points of our Southern States, and stimulating them to the adoption of measures, for rallying slaves to their standard.

Some opinion may be formed of the present feeling of

\* See Napier's Colonial History, 1832.

a very large party in France relative to slavery, from the late decision in the Chamber of Deputies, upon an application from their West India colonists, for the recovery of fugitive slaves enticed into the British Islands ; those especially, who escaped from the hands of justice, for robbery and arson. The reply, adopted by acclamation, was, “ the English authorities were perfectly right “ in refusing to deliver them up ; the slave who flies “ uses his natural right : in libertate naturali se recuperat : we rejoice that the English legislation admits “ of no such reclamation.” \*

From this state of public opinion, in the two great constitutional kingdoms of Europe, there is but one step to, at least, moral intervention, that great feature of modern civilization ; the irresistible consequence of the liberty of the press, and international contact, which even the most absolute governments are unable to exclude. Its tendency to undermine slavery by unjustifiable, if not by violent measures, is, to my mind, one of the most powerful incentives, in the interest of the proprietor, for the adoption, in time, of a system of compensation.

If the Union is paramount to all considerations of wealth, and if slavery, as you admit, is the only danger now menacing its permanency, then will the cost, at which this plan of emancipation is estimated, be not too dear : if the nation were to be involved in debt to effect the object, there might be some excuse for rejecting the remedy ; but when it is notorious, that the magnitude of

\* See debates in the Chamber, on the 18th July, 1839.

our national resources is, in periods of great financial prosperity, even a cause of embarrassment, it will ill accord with our professions of patriotism, should we withhold a sacrifice, upon which may depend the durability of republican institutions. But further arguments upon the measure, as one of national import, Sir, would not accord with the estimate entertained of your judgment for seizing or repulsing, either the truth or error, in which the system may be involved: surrounded with difficulties as the question, of course, is, the whole project is presented, as but the outline of one, susceptible, in other hands, of being moulded into form and action; and if calm and unprejudiced investigation of its merits is elicited, my object will have been attained.

Between this subject, and that of the African slave-trade, there is, of course, no connexion; and I should not have embraced them under the same head, had they not been confounded in the Parliaments of England and France, to the effect, if not with the design, of casting a reproach upon the American character. From an unaccountable ignorance of the nature of slavery in the United States, the sentiment very commonly prevails, that we are at least indifferent to the suppression of the African trade. The failure of our negotiations with England, in 1824, for a mutual right of search, and the subsequent refusal of President Jackson to renew that negotiation, have given force to this impression. A misapprehension prevails, among many of the most influential members of Parliament, as to the true grounds, upon which the senate

thought proper to reject Mr. Rush's treaty; whilst the strong sentiment against slavery itself, has embittered the feelings of the religious party (the power of which is daily increasing), against even the just measures of our people, upon both subjects.

The eloquent appeals to facts, made by individuals of our northern States, in defence of the American character, \* have been unheeded; and a belief is gaining ground, that we contemplate with satisfaction the extension of slavery even to the shores of the Pacific.

In France, the error is still more flagrant, and we are told in a recent work, cited as high authority, and one, chiefly directed to prove the intimate connexion between slavery and the African trade, that, in the United States, the latter is carried on publicly; and that the free negroes are dying off rapidly, in consequence of the extreme hardships imposed upon them by the whites! \*\*

However national pride may cause our just indignation at assertions, which might be attributed to almost wilful misrepresentation: however well established it is, that the first impulse of sympathy for the African race emanated in the bosoms of our own slave-holders, expostulating in vain to the mother country, before the birth even of Clarkson or Wilberforce; with however great truth we might retort upon France, her stipulation in the Treaty of Vienna, for a few years renewal of the trade, and for her refusal, up to this date, to declare it

\* Those particularly of the Rev. R. Baird and Rob. Walsh, Esq.

\*\* See "*Esclavage et Traite*," par A. de Gasparin, pages 95 and 237.



piracy ;—yet, sir, the cause of humanity requires at our hands, that we rouse from the inaction of late years, and seize with alacrity the overtures already, or about being, made to our government by England, for a co-operation in her councils, for the purpose of adopting prompt and energetic measures, to check, at least, the constantly augmenting tide of transportation from oppressed Africa.

The appeal recently made by Portugal to the Continental powers of Europe, to guarantee her pretended right to continue the trade under certain latitudes, even up to the year 1851,\* may be set aside for the moment under the menace of England ; but the antecedents of the whole Peninsular race must satisfy us, that unless other preventives than those heretofore tried can be put in execution, the evil will be renewed with all its complicated horrors, notoriously aggravated, as they are, by the approach of the measures employed to an effectual suppression ; the increased cruelties being in the ratio of the risk of capture. \*\*

The inadequacy of the measures now adopted,\*\*\*

\* See Manifesto of Portuguese Government in August last.

\*\* “ Instead of the large and commodious vessels which it would be the interest of the slave-trader to employ, we have, by our interference, forced him to use a class of vessels (well known to naval men as *American Clippers*) of the very worst description that could have been imagined for the purpose, every quality being sacrificed for speed. In the holds of these vessels, the unhappy victims are stowed literally in bulk.”—Laird’s Expedition to the Niger, vol. 2.

\*\*\* It is asserted by Mr. F. Buxton, in his most instructive History of the African Slave-Trade, 1839, “ that while we have, thus been endeavouring to extinguish the traffic, it has actually doubled in amount.” He estimates (and from official data) the annual victims of the christian slave-trade alone at 375,000.

whether of treaty stipulations for punishment of the agents—denunciation as piracy by isolated enactments—equipment acts under the Spanish convention with England—mixed commissions in the ports, where the captured slavers arrive ; or mutual right of search acceded to by France, etc. ; all evince, the difficulties with which a complete abolition is environed.

Under such circumstances, Sir, I would claim for the Senate of the United-States, in conformity with the antecedents of that body, the duty of assuming the initiative, in advocating such new measures, as in their wisdom they may judge proper ; and, with this view, would respectfully suggest for their consideration, that, the subject, being one of more than ordinary diplomatic complication, a special commissioner should be named, to co-operate with such one as may be appointed by the British government for the purpose of urging the adherence of all christian nations, to the effect :

- 1st. That the slave-trade be considered piracy by the law of nations.
- 2dly. That all vessels bound to the coast of Africa shall give security at the port of clearance not to deal in slaves ; otherwise, to be subjected to condemnation as pirates.

In the reports laid before the British Parliament by their commissioners at Havanna, in 1836, it is stated, that the declaration of the President, “ not to make the “ United States a party to any convention on the subject “ of the slave-trade, has been the means of inducing

“ American citizens to build and fit, in their own ports,  
“ vessels, only calculated for piracy or the slave trade,  
“ to enter this harbour, and take on board a prohibited  
“ cargo, manacles, etc., and proceed openly to that no-  
“ torious depot for the traffic, the Cape de Verd Islands,  
“ under the shelter of their national flag.” Again, “ *these*  
“ *two vessels (American) arrived in the Havanna, fitted in*  
“ *every particular for the slave-trade; and took on board*  
“ *a cargo, which would at once have condemned, as a*  
“ *slaver, any vessel belonging to the nations that are par-*  
“ *ties to the equipment article.*” At a later date, they  
say: “ We cannot conceal our deep regret at the *new*  
“ *and dreadful impulse* imparted to the slave-trade of this  
“ Island (Cuba), by the manner in which some American  
“ citizens impudently violate every law, by embarking  
“ openly for the coast of Africa, under their national  
“ flag, with the avowed purpose of bringing slaves to  
“ this market. We are likewise assured, that it is in-  
“ tended, by means of this flag, to supply slaves for the  
“ vast province of Texas; agents from thence being in  
“ constant communication with the Havanna slave-mer-  
“ chants.”

The list lately furnished by the same commissioners of the number of slavers which sailed from the Havanna for the coast of Africa in four months, ending in September 1838, enumerates *ten*, (making 19 in all during the year), bearing the American flag! The dates of their departure are duly noted, and no others than Portuguese vessels appear to have sailed during the

same period. It is incontestably proved, by the reports of the British officers cruising in pursuit of slavers, that the American flag is also extensively used in protecting the trade to the Brazils (the vessels being provided with both American and Portuguese papers, to be shown according to the national character of the cruisers overhaling them): and lieutenant Reeve, of H. B. M. sloop-of-war Lily, writes: “no other flag but the American  
“ will be seen on the coast in a short time, for it affords  
“ all the protection a slaver requires, under the existing  
“ laws.”

The impunity, with which the American flag is used to protect the traffic, manifestly arises, from the absence of all measures on the part of our government to co-operate with other powers, in preventing the fitting out of our vessels in the slave-trading ports, or at least in neglecting to do so, through the intermediary authority of our consuls in the same; and, from our refusal, to admit of even a limited right of search.

Now, Sir, it was understood, at the period when Mr. Rush's treaty came under the consideration of the Senate, that there was no objection to that part of it, which allowed of mutual search, in certain latitudes upon the immediate coast of Africa: and I am not aware of any objections, which can be urged, against the forfeiture of a vessel, avowedly equipped for a trade, which our laws condemn as piracy, although she may not have her cargo on board, any more than exist, against the capture of a common pirate, the identity of which is established.

It may not be satisfactory evidence, for us, of the little inconvenience likely to arise from the right of search upon a limited portion of the Ocean, that, since the convention signed between France and England, in 1831, no abuses have yet resulted there from ; but surely the privilege might be granted to English cruizers, stationed upon the coast for that purpose, under such modifications as the case may, upon further examination, be found to admit of.

I will not dwell, Sir, upon the disadvantages, which must finally result to the prosperity of our southern states, by the rapid competition with our agricultural products, which the countless increase of slave labourers, in the fertile regions of Cuba and the Brazils, cannot fail to occasion : but will rest the merits of our interposition in this unholy warfare against an unoffending race, upon the same motives of humanity, which guided the statesmen of our country, when they set the example to other nations, by stamping, as crime, the sanctioned usage of every other civilized people upon the Globe.

A SLAVE-HOLDER.

John Birch

October 1st, 1839.

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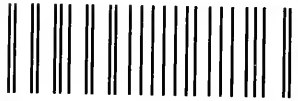
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